

PATENT
Serial No. 10/082,857
Amendment in Reply to Final Office Action of November 18, 2005

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

In the Office Action, claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0044899 (Levy) and further in view of "Free On-Line Dictionary of Computing" by LinuxGuruz (LinuxGuruz). Applicant respectfully traverses this rejection. However, to advance prosecution and expedite allowance of the present application, independent claims 1 and 8 have been amended for clarification. Claims 1 and 8 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights he may have under the Doctrine of Equivalents. It is respectfully submitted that claims 1-13 are patentable over Levy and LinuxGuruz for at least the following reasons.

As noted in the previous amendment mailed on August 22, 2005, in reply to the Office Action of May 27, 2005, Levy is directed to a method for transmarking of multimedia signals where a first digital watermark in a media signal is detected. Then the Levy

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method embeds message information from the first digital watermark into a second digital watermark in the very SAME media signal or at least the SAME type of a media signal. The second digital watermark is adapted for robustness and to survive the transformation process.

In the remarks of the previous amended mailed on August 22, 2005, which are incorporated herein by reference, it was argued that in contrast Levy, the present invention as recited in independent claims 1 and 8 requires decoding extra information embedded in a video signal, and embedding the extra information in an audio signal. That is the newly embedded extra information is embedded in an audio signal, which different type of signal from the video signal that originally included the extra information.

According to the Examiner, this feature is not recited in the claims. Without agreeing with the Examiner, and to advance prosecution and expedite allowance of the present application, independent claims 1 and 8 have been amended for clarification to include this feature, which is not taught or suggested in Levy. Rather, Levy teaches embedding message information from the first digital watermark into a second digital watermark in the very SAME

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media signal or at least the SAME type of a media signal, and thus Levy teaches away from the present invention as recited in independent claims 1 and 8. Further, LinuxGuruz does not remedy this deficiency in Levy.

No new issues have been introduced requiring a new search, as it is clear to one skilled in the art that a video signal is of the video type, and an audio signal is of the audio type, and that the video type is different from the audio type. Thus entry of the present amendment is respectfully requested.

Accordingly, it is respectfully submitted that claims 1 and 8 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7 and 9-13 should also be allowed at least based on dependence from independent claims 1 and 8, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to

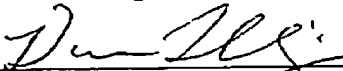
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submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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